IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1093/2005

KESHAR LAL Vs STATE OF RAJASTHAN & ORS.

DATE: 02.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.C. Choudhary for the complainant-petitioner
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Nitin Jain for the respondents.

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The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the order dated 04.08.2004 passed by the Additional Sessions Judge, Malpura, District Tonk in Criminal Revision No. 50/2003, whereby the Revisional Court has set-aside the order of cognizance dated 07.06.2003 passed by the Judicial Magistrate (First Class), Todaraisingh in Criminal Case No. 117/2003, by which the trial Court has taken cognizance against the respondents for the offence under Sections 352, 504 IPC and Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

I have heard rival submissions of the respective parties and have also gone through the orders dated 04.08.2004 and 07.06.2003 passed by the Revisional Court and the trial Court respectively.

The trial Court at the time of taking cognizance on the protest petition filed by the complainant-petitioner has considered the evidence recorded under Sections 200 and 202 Cr.P.C. and as per the evidence recorded by the police has observed that prima-facie case is made out against the accused-respondents for the offence under Sections 352, 504 IPC and Section 3(1)(x) of the SC/ST Act, whereas the Revisional Court has thoroughly considered the evidence recorded before the police and before the police the petitioner himself has categorically stated that he does not want to pursue the complaint and the eye witnesses who were sitting at 'Piyao' on the date have categorically stated that no such incident took place on the date mentioned in the FIR. Further the evidence recorded under Section 161 Cr.P.C. do not corroborate the facts mentioned in the complaint and thus, the police filed the F.R. and the protest petition has been accepted by the trial Court considering the evidence recorded under Section 200 Cr.P.C. and the statements recorded by the police under Section 161 Cr.P.C., whereas the Revisional Court has categorically observed that no case is made out against the accused-respondents and the complaint is found false and thus, having gone through each and every aspect, quashed and set-aside the order of the trial Court dated 07.06.2003

taking cognizance against the accused-respondents for the offences under Sections 352, 504 IPC and Section 3 (1)(x) of the SC/ST Act.

I find no illegality or error apparent on the face of the record and the impugned order dated 04.08.2004 passed by the Revisional Court requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/